

Exhibit B

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Attorneys for Plaintiff
ORACLE AMERICA, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE, INC.

Defendant.

Case No. 3:10-cv-03561-WHA

**ORACLE AMERICA, INC.'S
SUPPLEMENTAL AND AMENDED
INITIAL DISCLOSURES**

Judge: Honorable William H. Alsup

Pursuant to Federal Rule of Civil Procedure 26(a)(1) and 26(e), Plaintiff Oracle America, Inc. (“Oracle”) hereby provides these supplemental and amended initial disclosures. Oracle has made a reasonable and good faith effort to make the initial disclosures provided herein, including providing general descriptions of documents, and identifying persons who may have knowledge of pertinent information, relating to the issues in this action. However, Oracle’s investigation of its claims and defenses in this action is ongoing. Other potential witnesses and/or documents may be identified and become significant as discovery proceeds and as the case develops, and therefore, Oracle reserves the right to supplement these disclosures.

I. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION THAT ORACLE MAY USE TO SUPPORT ITS CLAIMS OR DEFENSES (FED. R. CIV. P. 26(a)(1)(A)(i)).

The persons Oracle believes are likely to have discoverable information that Oracle may use to support its claims and defenses are:

Name, Address, Telephone	Subject
Greg Bollella Contact through counsel for Oracle	Java development
Roger Calnan Contact through counsel for Oracle	Java development and distribution
Andrew Carr Contact through counsel for Oracle	Java distribution
Safra Catz Contact through counsel for Oracle	Oracle’s business; Oracle’s acquisition of Sun; Java business models, business plans, and associated financial data; license discussions between Oracle and Google
Neal Civjan Former Oracle employee	Java licensing and sales, including negotiations with Google
Patrick Curran Contact through counsel for Oracle	Java standards, JCP, and open Java
Bill Daly Contact through counsel for Oracle	Oracle financial data
Don Deutsch Contact through counsel for Oracle	Java standards, JCP, and open Java, Java revenues and business
Larry Ellison Contact through counsel for Oracle	History of Oracle; Oracle’s business; Oracle’s acquisition of Sun; Java business models and business plans; license discussions between Oracle and Google
Gustavo Galimberti Contact through counsel for Oracle	Java development, Java licensing, Java distribution and support
Craig Gering Former Oracle employee	Java development, licensing, and testing

	Name, Address, Telephone	Subject
1	Ivgen Guner	Oracle financial data
2	Contact through counsel for Oracle	
3	Vineet Gupta	Java sales and licensing, including negotiations
4	Former Oracle employee	with Google
5	Steve Harris	Java development, distribution, licensing,
6	Contact through counsel for Oracle	business models, and business plans
7	Jeannette Hung	Java development
8	Contact through counsel for Oracle	
9	Thomas Kurian	Java development, distribution, licensing,
10	Contact through counsel for Oracle	business models, and business plans; license
11	Jacob Lehrbaum	discussions between Oracle and Google
12	Contact through counsel for Oracle	Java licensing and copyrights
13	Matthew Mayerson	Software distribution
14	Contact through counsel for Oracle	
15	Kerry McGuire	Java business and revenues
16	Contact through counsel for Oracle	
17	John Pampuch	Java VM technology
18	Contact through counsel for Oracle	
19	Bill Pittore	Java VM development
20	Contact through counsel for Oracle	
21	Nandini Ramani	Java Development
22	Contact through counsel for Oracle	
23	Mark Reinhold	Java development, distribution, licensing,
24	Contact through counsel for Oracle	business models, business plans, patent rights
25	Hasan Rizvi	and copyrights
26	Contact through counsel for Oracle	Java development, distribution, licensing,
27	Susan Roach	business models, and business plans; license
28	Contact through counsel for Oracle	discussions between Oracle and Google
	Bill Shannon	Java development, distribution, licensing,
	Contact through counsel for Oracle	business models, business plans, patent rights
	Param Singh	and copyrights
	Contact through counsel for Oracle	Mobile Java development and business plan
	Guy Steele	Java development
	Contact through counsel for Oracle	
	Brian Sutphin	Java licensing and business, including
	Contact through counsel for Oracle	negotiations with Google, Java business plans
	Ken Glueck	License discussions between Oracle and
	Contact through counsel for Oracle	Google; Java business models and business
	Michael Pfefferlen	plans
	Contact through counsel for Oracle	Java sales and licensing, including negotiations
		with Google

Name, Address, Telephone	Subject
Adam Messinger Contact through counsel for Oracle	Java development, distribution, licensing, business models, and business plans
Bhaskar Gorti Contact through counsel for Oracle	Oracle's business
Jeet Kaul Former Oracle employee	Java licensing and business
Kathleen Knopoff Former Sun employee	Java licensing and business
Leo Cizek Contact through counsel for Oracle	Java licensing and business, including negotiations with Google, Java business plans
Lino Persi Contact through counsel for Oracle	Java licensing and business
Noel Poore Contact through counsel for Oracle	Mobile Java development and business plan
Geoffrey Morton Contact through counsel for Oracle	Java licensing and business
Ed Washington Contact through counsel for Oracle	Java licensing and business
Govind Vedantham Contact through counsel for Oracle	Java licensing and business
Martin Lister Former Oracle Employee	Java licensing and business
Nachi Periakaruppan Former Oracle Employee	Java licensing and business
Brian Faye Contract through counsel for Oracle	Java licensing and business
Rajiv Mordani Contact through counsel for Oracle	Java development
Joe (Huizhe) Wang Contact through counsel for Oracle	Java development
Lars Bak Google employee	Inventor of U.S. Patent No. 6,910,205
Nedim Fresko 121 Lincoln Way San Francisco, CA 94122-2717	Inventor of U.S. Patent Nos. 5,966,702 and 7,426,720
Li Gong Mozilla Foundation 650 Castro Street, Suite 300 Mountain View, CA 94041-2072 lgong@mozilla.com	Inventor of U.S. Patent Nos. 6,125,447 and 6,192,476
James Gosling Google employee	Inventor of U.S. Patent No. RE38,104
Robert Griesemer Google employee	Inventor of U.S. Patent No. 6,910,205

Name, Address, Telephone	Subject
Richard Tuck 343 Hill Street San Francisco, CA 94114-2916	Inventor of U.S. Patent Nos. 5,966,702 and 6,061,520
Frank Yellin Google employee	Inventor of U.S. Patent No. 6,061,520
Representatives of Google, including witnesses identified in Google's initial disclosure and individuals included in Google's custodial collection	Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues
Joshua Bloch Google employee	Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues
Dan Bornstein Google employee	Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues
Bill Buzbee Google employee	Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues
Eric Chu Google employee	Java license negotiations between Google and Sun
Gregorz Czajkowski Google employee	Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues
Tim Lindholm Google employee	Java license negotiations between Google and Sun
Rich Miner Google employee	Java license negotiations between Google and Sun
Larry Page Google employee	Knowledge of Oracle's Java-related intellectual property; Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues; license discussions between Google and Oracle
Andy Rubin Google employee	Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, revenues, and license negotiations between Google and Oracle

Name, Address, Telephone	Subject
Eric Schmidt Google employee	Java development; knowledge of Oracle's Java-related intellectual property; Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues; license discussions between Google and Oracle
Representatives of manufacturers and distributors of Android devices	Android distribution, revenues, infringement
Alan Brenner RIM/Blackberry employee	Java development, distribution, licensing, business models, business plans, patent rights and copyrights
Ethan Beard Facebook employee	Java license negotiations between Google and Sun
Rich Green Nokia employee	Java development, distribution, licensing, business models, business plans, patent rights and copyrights
Individuals identified by Google in response to Oracle's interrogatory as having been involved in the development of Android	Android development

II. DOCUMENTS (FED. R. CIV. P. 26(a)(1)(A)(ii)).

Oracle discloses and describes by category the following documents, electronically-stored information, data compilations and tangible things that are or may be in the possession, custody or control of Oracle that Oracle currently and reasonably believes it may use to support its claims or defenses:

1. U.S. Patent No. 6,125,447 and related files.
2. U.S. Patent No. 6,192,476 and related files.
3. U.S. Patent No. 5,966,702 and related files.
4. U.S. Patent No. 7,426,720 and related files.
5. U.S. Patent No. RE38,104 and related files.
6. U.S. Patent No. 6,910,205 and related files.
7. U.S. Patent No. 6,061,520 and related files.
8. U.S. Certificate of Copyright Registration for J2SE 1.4, the copyrighted work, and related files.

9. U.S. Certificate of Copyright Registration for J2SE 5.0, the copyrighted work, and related files.
10. U.S. Certificate of Supplemental Copyright Registration for J2SE 5.0 and related files.
11. Documents evidencing the conception, development, reduction to practice, and design of the inventions claimed by the patents at issue.
12. Documents relating to the history and development of the Java platform.
13. Java releases and related documentation.
14. Documents evidencing sales, distribution, deployment, and use of Java products.
15. Java-related contracts, licenses, and pricing models.
16. Sun and Oracle Java business plans and financial results.
17. Documents evidencing Google's knowledge of the Sun patent portfolio, including documents relating to licensing of the Java IP rights by Google and Google's participation in the Java Community Process.
18. Android releases and related documentation.
19. Google marketing, advertising, and press releases, and statements regarding Android, Android devices, Android distribution and deployment, and revenues attributable to Android.
20. Public and third-party reports, releases, and statements regarding the distribution and deployment of Android devices, and the impact of Android and Android devices on the use, distribution, and deployment of the Java platform and Java devices.
21. Documents relating to each type and category of damages described in Section III below, including license fees, revenue from and profitability of Java and related Oracle businesses, and Oracle's and Google's business models for the relevant lines of business.

1 The above documents are maintained primarily at one or more Oracle locations in
 2 California (Santa Clara, Redwood Shores, and Menlo Park) and Broomfield, Colorado, depending
 3 on the location of the various individuals identified above. Oracle has otherwise produced and is
 4 continuing to produce documents that Oracle reasonably believes it may use to support its claims
 5 or defenses.

6 **III. INITIAL DISCLOSURES REGARDING COMPUTATION OF DAMAGES**
 7 **(FED. R. CIV. P. 26(a)(1)(A)(iii)).**

8 Oracle provided Google's counsel with a damages expert report, subject to possible
 9 supplementation, and Oracle has otherwise provided information regarding the computation of
 10 damages in response to Google's interrogatories, and Oracle incorporates both by reference into
 11 these amended disclosures. As noted previously, Oracle has not completed its calculation for
 12 monetary damages as it will require expert evaluation of information in Google's possession and
 13 further supplementation after further productions of documents by Google. Oracle otherwise
 14 incorporates by reference its initial disclosures.

15 **IV. INITIAL DISCLOSURES REGARDING INSURANCE**
 16 **(FED. R. CIV. P. 26(a)(1)(A)(iv)).**

17 Oracle is unaware of any insurance agreement under which an insurance business may be
 18 liable to satisfy all or part of a judgment in this action or to indemnify or reimburse for payments
 19 made to satisfy any judgment.

20 Dated: June 3, 2011

DAVID BOIES
 STEVEN C. HOLTZMAN
 BOIES, SCHILLER & FLEXNER LLP

22 By: /s/ STEVEN C. HOLTZMAN

23 *Attorneys for Plaintiff*
 24 ORACLE AMERICA, INC.

CERTIFICATE OF SERVICE

I declare that I am employed with the law firm of Boies, Schiller & Flexner LLP whose address is 1999 Harrison Street, Suite 900, Oakland, California 94612. I am not a party to the within cause, and I am over the age of eighteen years.

I further declare that on June 3, 2011, I served a copy of:

ORACLE AMERICA, INC.'S SUPPLEMENTAL AND AMENDED INITIAL DISCLOSURES

- ☐ **BY FACSIMILE, [Fed. Rule Civ. Proc. rule 5(b)]** by sending a true copy from Boies, Schiller & Flexner LLP's facsimile transmission telephone number 510.874.1460 to the fax number(s) set forth below, or as stated on the attached service list. The transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine.

I am readily familiar with Boies, Schiller & Flexner LLP's practice for sending facsimile transmissions, and know that in the ordinary course of Boies, Schiller & Flexner LLP's business practice the document(s) described above will be transmitted by facsimile on the same date that it (they) is (are) placed at Boies, Schiller & Flexner LLP for transmission.

- ☐ **BY U.S. MAIL [Fed. Rule Civ. Proc. rule 5(b)]** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, addressed as follows, for collection and mailing at Boies, Schiller & Flexner LLP, 1999 Harrison Street, Suite 900, Oakland, California 94612 in accordance with Boies, Schiller & Flexner LLP's ordinary business practices.

I am readily familiar with Boies, Schiller & Flexner LLP's practice for collection and processing of correspondence for mailing with the United States Postal Service, and know that in the ordinary course of Boies, Schiller & Flexner LLP's business practice the document(s) described above will be deposited with the United States Postal Service on the same date that it (they) is (are) placed at Boies, Schiller & Flexner LLP with postage thereon fully prepaid for collection and mailing.

- ☐ **BY OVERNIGHT DELIVERY [Fed. Rule Civ. Proc. rule 5(b)]** by placing a true copy thereof enclosed in a sealed envelope with delivery fees provided for, addressed as follows, for collection by UPS, at 1999 Harrison Street, Suite 900, Oakland, California 94612 in accordance with Boies, Schiller & Flexner LLP's ordinary business practices.

I am readily familiar with Boies, Schiller & Flexner LLP's practice for collection and processing of correspondence for overnight delivery and know that in the ordinary course of Boies, Schiller & Flexner LLP's business practice the document(s) described above will be deposited in a box or other facility regularly maintained by UPS or delivered to an authorized courier or driver authorized by UPS to receive documents on the same date that it (they) is are placed at Boies, Schiller & Flexner LLP for collection.

☐ **BY PERSONAL SERVICE [Fed. Rule Civ. Proc. rule 5(b)]** by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and delivery at the mailroom of Boies, Schiller & Flexner LLP, causing personal delivery of the document(s) listed above to the person(s) at the address(es) set forth below.

I am readily familiar with Boies, Schiller & Flexner LLP's practice for the collection and processing of documents for hand delivery and know that in the ordinary course of Boies, Schiller & Flexner LLP's business practice the document(s) described above will be taken from Boies, Schiller & Flexner LLP's mailroom and hand delivered to the document's addressee (or left with an employee or person in charge of the addressee's office) on the same date that it is placed at Boies, Schiller & Flexner LLP's mailroom.

☒ **BY ELECTRONIC SERVICE [Fed. Rule Civ. Proc. rule 5(b)]** by electronically mailing a true and correct copy through Boies, Schiller & Flexner LLP's electronic mail system to the e-mail address(es) set forth below, or as stated on the attached service list per agreement in accordance with Federal Rules of Civil Procedure rule 5(b).

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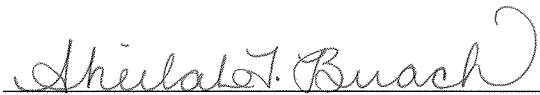
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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed at Oakland, California, this 3rd day of June, 2011.

Sheilah Buack
(typed)


(signature)